



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | | | |
|--|---------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/507,235 | 09/09/2004 | Fumiya Nemoto | OGOSH22USA | 1791 |
| 270 | 7590 | 02/20/2009 | EXAMINER | |
| HOWSON & HOWSON LLP 501 OFFICE CENTER DRIVE SUITE 210 FORT WASHINGTON, PA 19034 | | | BAND, MICHAEL A | |
| ART UNIT | PAPER NUMBER | 1795 | | |
| MAIL DATE | DELIVERY MODE | | | |
| 02/20/2009 | PAPER | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|--------------------------------------|--------------------------------------|
| Office Action Summary | Application No. 10/507,235 | Applicant(s) NEMOTO ET AL. |
| | Examiner MICHAEL BAND | Art Unit 1795 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 December 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 11-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 11-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/146/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/17/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 11-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 contains the limitation requiring a rigid inner frame, a rigid inner box, a rigid outer box, and rigid stationary supports. There is no support in the specification for the inner frame, inner box, outer box, and supports to be rigid. Claim 1 also contains the limitation requiring "the outer box is supported on

an underlying surface via said supports when the bottom plate extends parallel to the underlying surface and such that the outer box is supported on said wheels only when the bottom plate of the outer box is inclined relative to the underlying surface". There is no support in the specification for this limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 and 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamoto et al (JP No. 11011478) in view of Nakamura et al (JP No. 11350122).

With respect to claims 1, 11-12, 17, and 30, Iwamoto et al discloses a double box container with figs. 3-4 depicting a rigid inner buffer member (i.e. retention frame) [58] defining a guide groove (i.e. void) [60] inside a rigid plastic inner box [50] having a lower plate [70] and upper plate [56] (abstract; p. 3, para 0017). Fig. 1 depicts a rigid outer box [8] which surrounds the inner box [50] (abstract; p. 4, para 0032), where said outer box [8] is formed from wooden plywood panels (i.e. outer frame) [16], [18], a cover [20], and palette (i.e. bottom plate) [6] (p. 3, para 0027). Fig. 1 also depicts rigid stationary supports to form hollows (i.e. handle) [4] which can insert the claw part of a fork lift truck having wheels that is man-powered (p. 3, para 0024), where the wheels would be adjacent to only a rear edge of the palette [6] and not a front edge of said palette [6].

Fig. 1 further depicts the outer box [8] supported on an underlying surface via the supports of the palette [6]. When the fork lift is attached to the outer box [8] via hollow [4] of the palette [6], said outer box is supported by wheels of the fork lift and at a slight incline since a side of the outer box [8] nearest the fork lift is supported and a side farthest from the fork lift is unsupported. However Iwamoto et al is limited in that while it is disclosed that the double box container protects rectangular parts such as thin sheets from dust and contaminates, it does not specify the parts being a sputter target.

Nakamura et al teaches a sputter target composed of two or more metal sheets or foil to form a rectangular or circular sputter target (abstract; fig. 1). It is known to avoid having dust and other contaminates present on the metal foil to ensure purity in the sputter target and sputter deposited film.

It would have been obvious to one of ordinary skill to interchange the thin sheets of Iwamoto et al with the metal sheet or foil of Nakamura et al since both thin sheets require protection during transport to avoid contracting impurities.

With respect to claims 13, 18, and 22, modified Iwamoto et al further discloses in fig. 2 a metal fitting [44] on the wooden panels [16], [18] of the outer box [8].

With respect to claims 14, 19, 23, and 26, modified Iwamoto et al further discloses in fig. 3 a through-type hold [68] on inner box [50].

With respect to claims 15, 20, 24, and 27-28, modified Iwamoto et al further discloses in fig. 3 an impact-absorbing object [72] between the inner box [50] and outer box [8].

With respect to claims 16, 21, 25, and 29, modified Iwamoto et al further discloses in fig. 1 the cover [20] being removably affixed to the outer box [8].

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 11-30 have been considered but are moot in view of the new ground(s) of rejection due to the new claim limitation requiring a sputtering transport box comprising a plate-shaped sputtering target.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP No. 01290765.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Band whose telephone number is (571) 272-9815. The examiner can normally be reached on Mon-Fri, 8am-4pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. B./

Examiner, Art Unit 1795

/Alexa D. Neckel/

Supervisory Patent Examiner, Art Unit 1795